



APPLICATION ACCEPTED: June 27, 2014
BOARD OF ZONING APPEALS: September 24, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

September 17, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-DR-131

DRANESVILLE DISTRICT

APPLICANTS/OWNERS: Brenley L. Elias
Marc E. Elias

STREET ADDRESS: 186 River Park Drive, Great Falls, 22066

SUBDIVISION: Riverbend Knolls

TAX MAP REFERENCE: 04-3 ((9)) 02

LOT SIZE: 75,001 square feet (1.72 acres)

ZONING DISTRICT: R-E

ZONING ORDINANCE PROVISIONS: 8-918

SPECIAL PERMIT PROPOSAL: To permit an accessory dwelling unit in an existing single family dwelling.

STAFF RECOMMENDATION: Staff recommends approval of SP 2014-DR-131 with adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



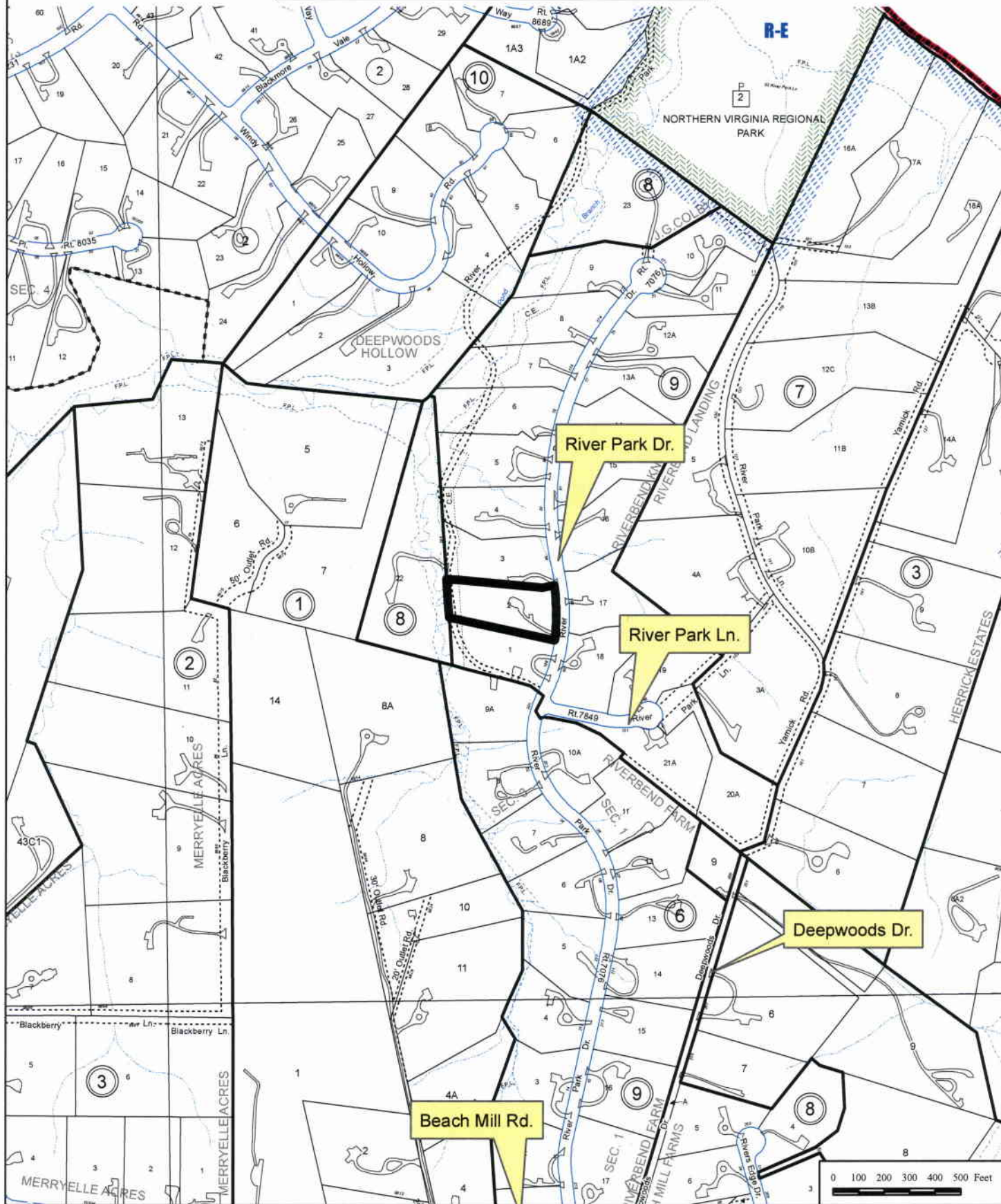
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2014-DR-131
BRENLEY L. AND MARC E. ELIAS



Special Permit
SP 2014-DR-131
BRENLEY L. AND MARC E. ELIAS



COPYRIGHT SCARTZ SURVEYS - THIS IS A SERVICE DOCUMENT AND IS VALID FOR SIX MONTHS FROM DATE ISSUED.
THIS SURVEY WAS PERFORMED ACCORDING TO THE STANDARDS SET FORTH IN VIRGINIA CODE SECTION 54.1-407.

NOTES:

1. TAX MAP #004-3-09-0002
2. PROPERTY SHOWN HEREON IS ZONED:
R-E (RES ESTATE 1 DU/ 2 AC)
3. MINIMUM YARD REQUIREMENTS IN ZONE R-E
FRONT YARD: 50'
SIDE YARD: 20'
REAR YARD: 25'
- MAXIMUM BUILDING HEIGHT: 35'
- PROPERTY IS NOT SERVED BY PUBLIC WATER AND SEWER.
THE WELL AND DRAIN FIELD ARE SHOWN ON PLAT.
- THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD
ZONE "X" AS PER INSURANCE RATE MAP COMMUNITY
PANEL NUMBER 510500040E EFFECTIVE DATE
SEPTEMBER 17, 2010.
- THE RECORD PLAT DOES NOT SHOW ANY UTILITY
EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25)
FEET OR MORE EFFECTING THIS PROPERTY.
7. FLOOR AREA:
EXIST GROSS FLOOR AREA HOUSE: 5,892 SQ. FEET
EXIST GROSS FLOOR AREA DECK: 460 SQ. FEET
EXIST GROSS FLOOR AREA BALCONY: 36 SQ. FEET
EXIST GROSS FLOOR AREA OPEN PORCH: 275 SQ. FEET
TOTAL FLOOR AREA: 6,663 SQ. FEET
FLOOR AREA RATIO: 0.0888 OR 8.88%
- THERE ARE NO VISIBLE GRAVE SITES OR CEMETERY
WITHIN THE BOUNDARY OF THE SUBJECT PROPERTY.
- THE PROPOSED ACCESSORY DWELLING UNIT WILL
TAKE UP 15.2% OF THE PRINCIPAL DWELLING UNIT.
(900 SQ. FT./5,892 SQ. FT.=15.2%)

HEIGHT TABLE

HEIGHT OF HOUSE AS PER
APPROVED BUILDING PERMIT: 34'

CASE NAME: MARC S. BRENNLEY ELIAS NYS KITCHEN & BATH	NO TITLE REPORT FURNISHED. PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE. FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.
SCARTZ SURVEYS	
LARRY N. SCARTZ (703) 484-4181 LOCAL (703) 484-3130 CERTIFIED LAND SURVEYOR LARRY.SCARTZ@SCARTZ.COM WOODBURGE, VIRGINIA	

TAX MAP# 004-3-09-0002

JOB# 20140345

DSE



PHYSICAL IMPROVEMENTS SURVEY
FOR SPECIAL PERMIT PLAT

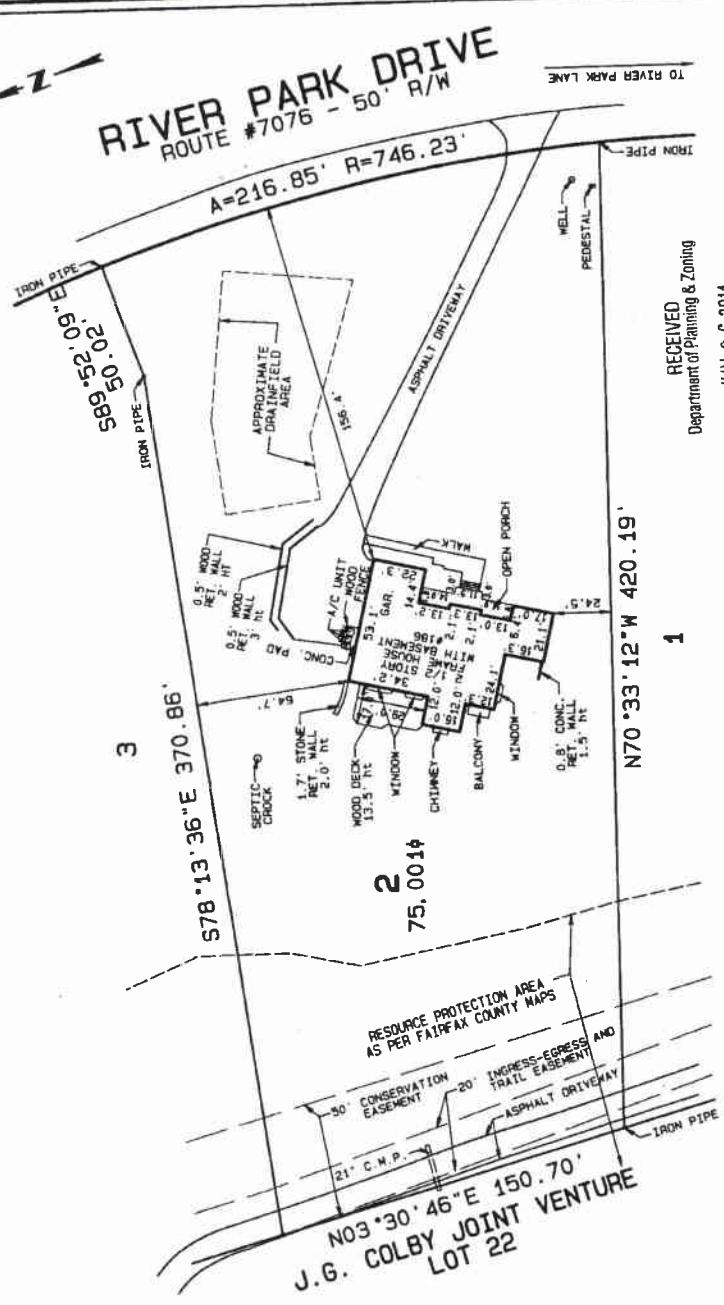
LOT 2

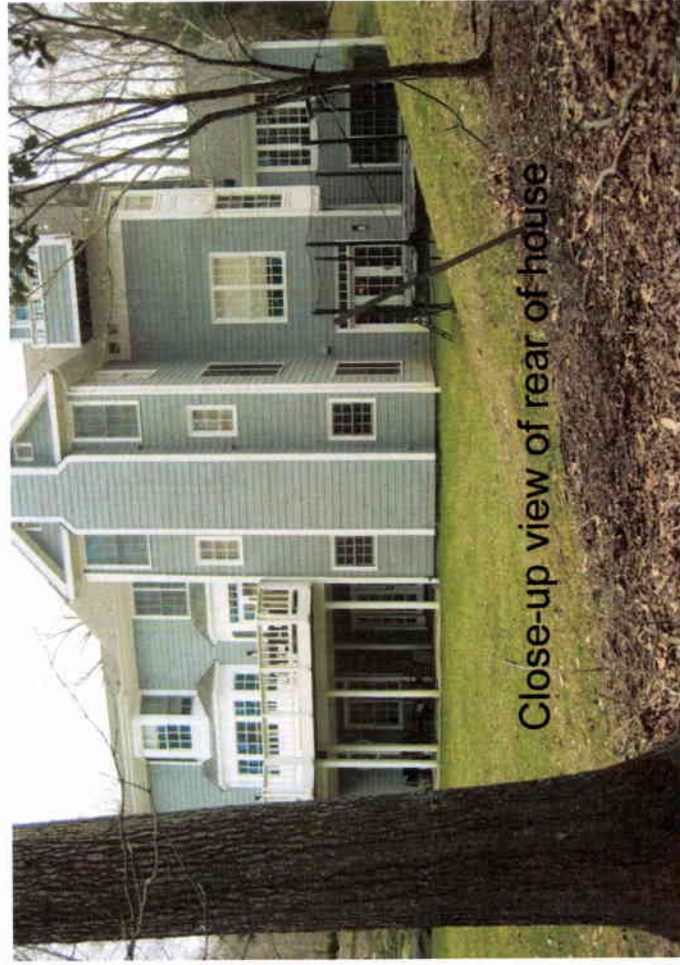
RIVERBEND KNOLLS

DRANESVILLE MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA

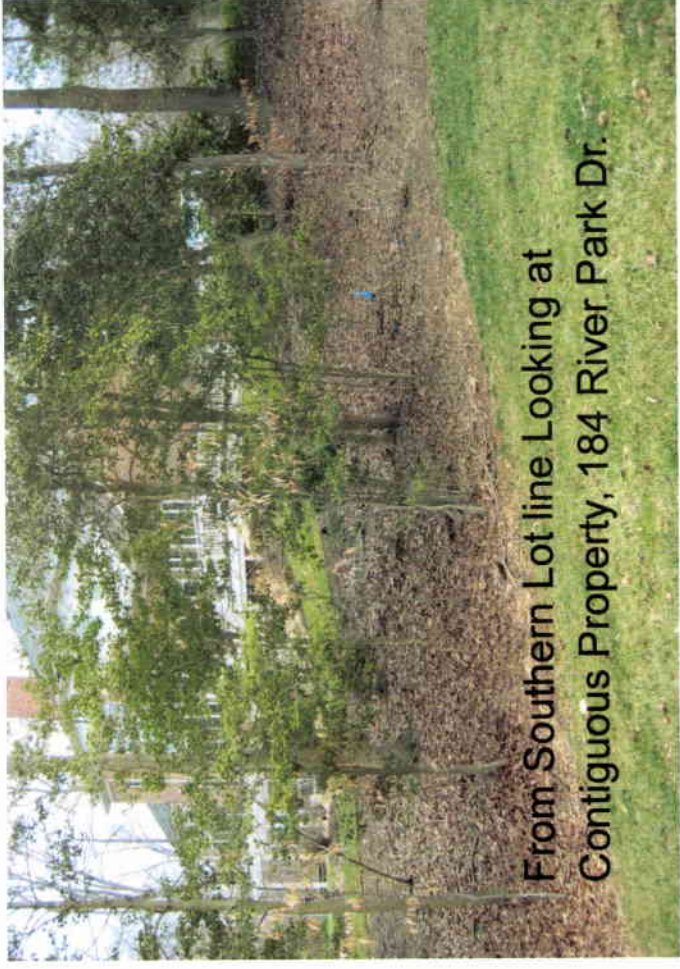
SCALE: 1"=50' DATE: APRIL 11, 2014

RECEIVED
Department of Planning & Zoning
JUN 26 2014
Zoning Evaluation Division

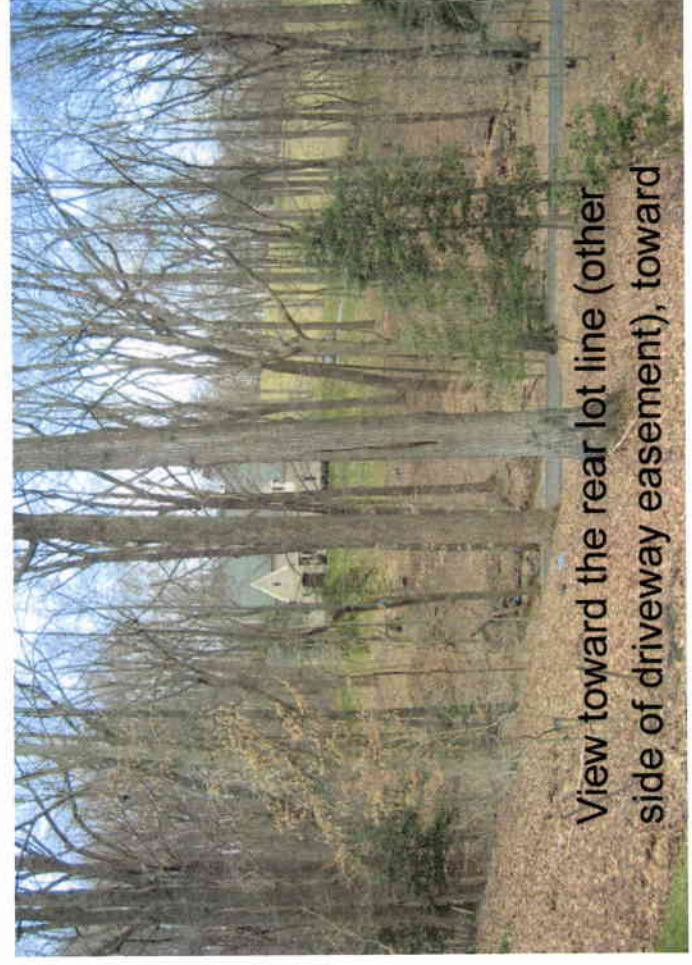




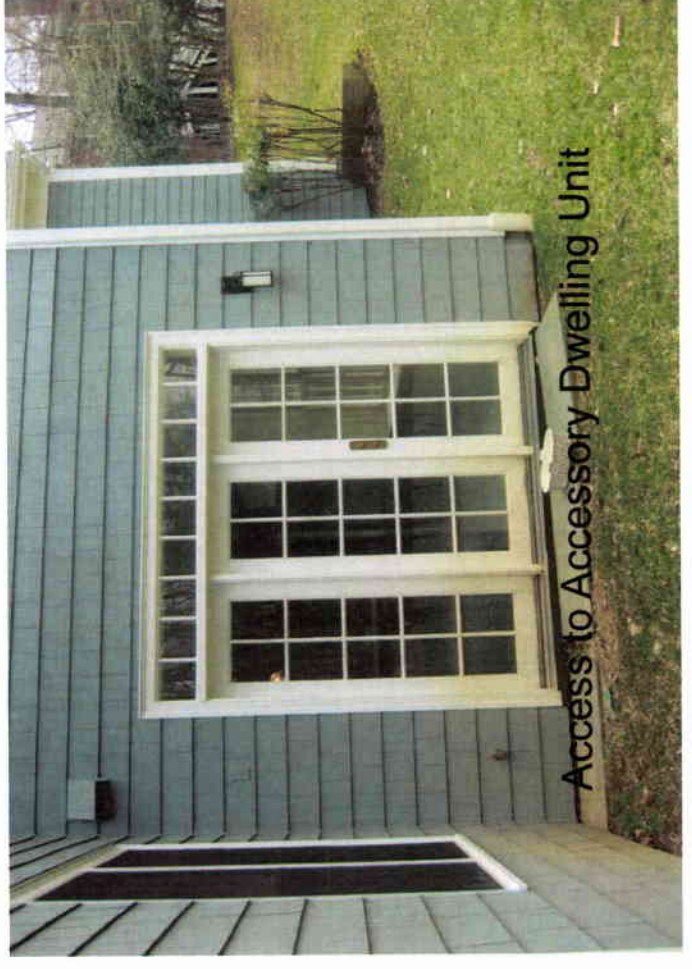
Close-up view of rear of house



From Southern Lot line Looking at
Contiguous Property, 184 River Park Dr.



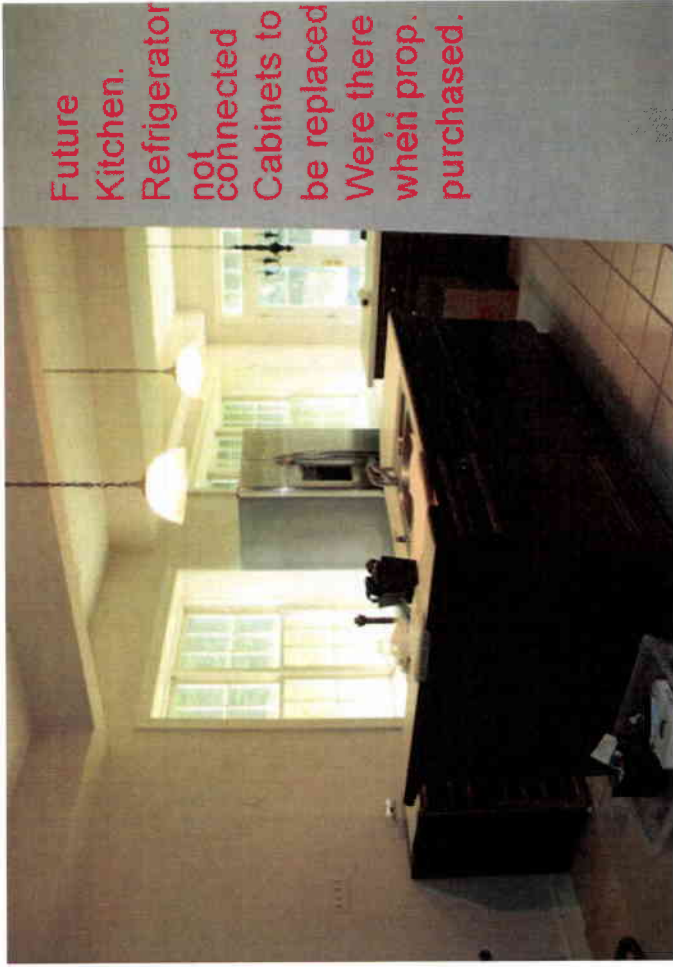
View toward the rear lot line (other
side of driveway easement), toward
the driveway



Access to Accessory Dwelling Unit



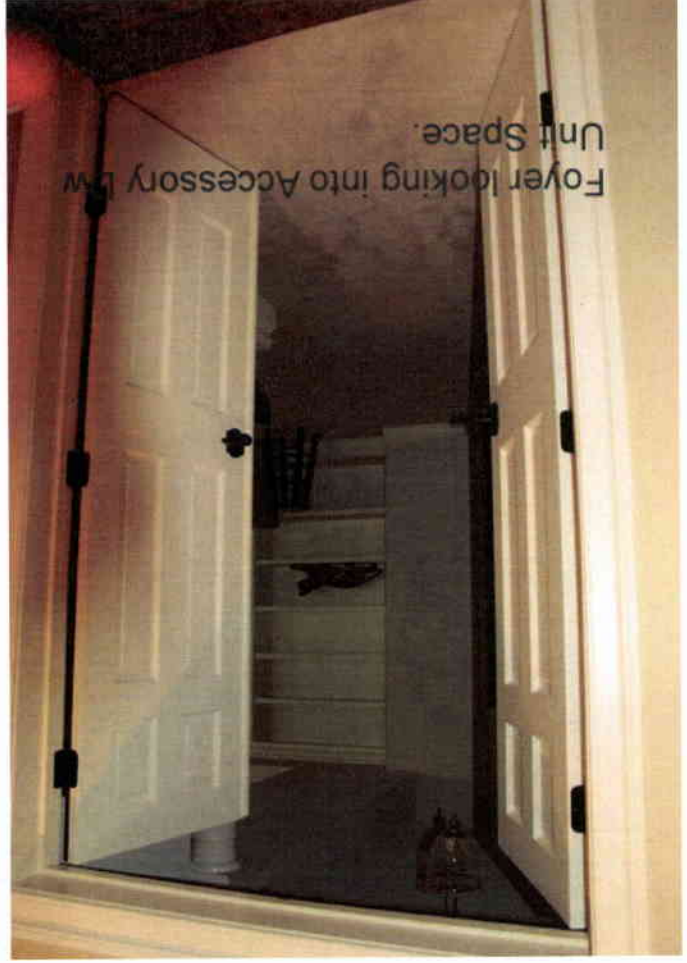
View of property front the street. Driveway and garage in view



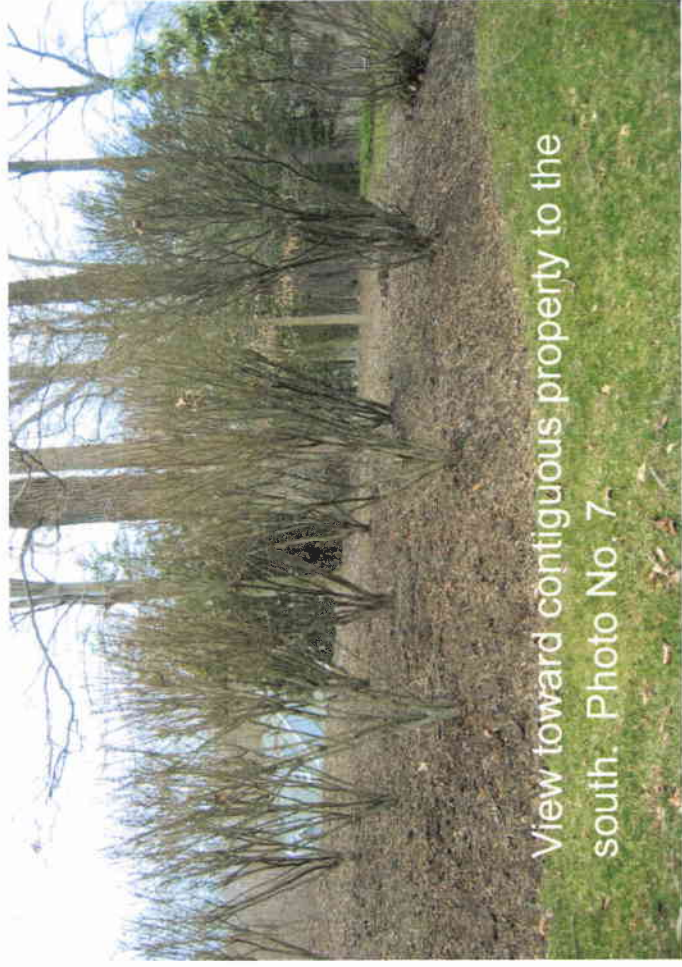
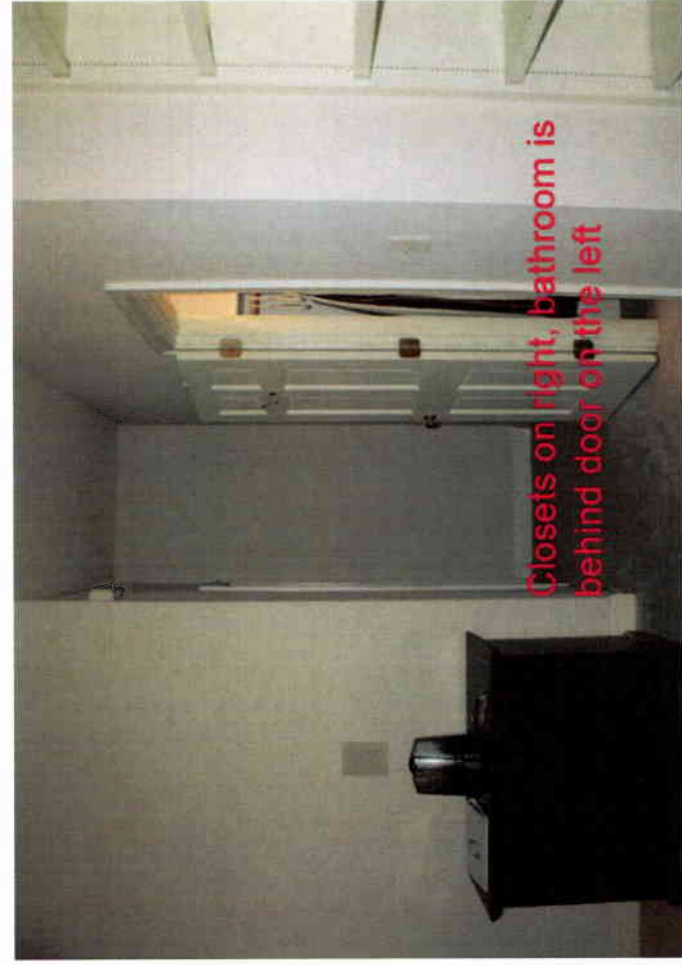
Future Kitchen. Refrigerator not connected. Cabinets to be replaced. Were there when prop. purchased.

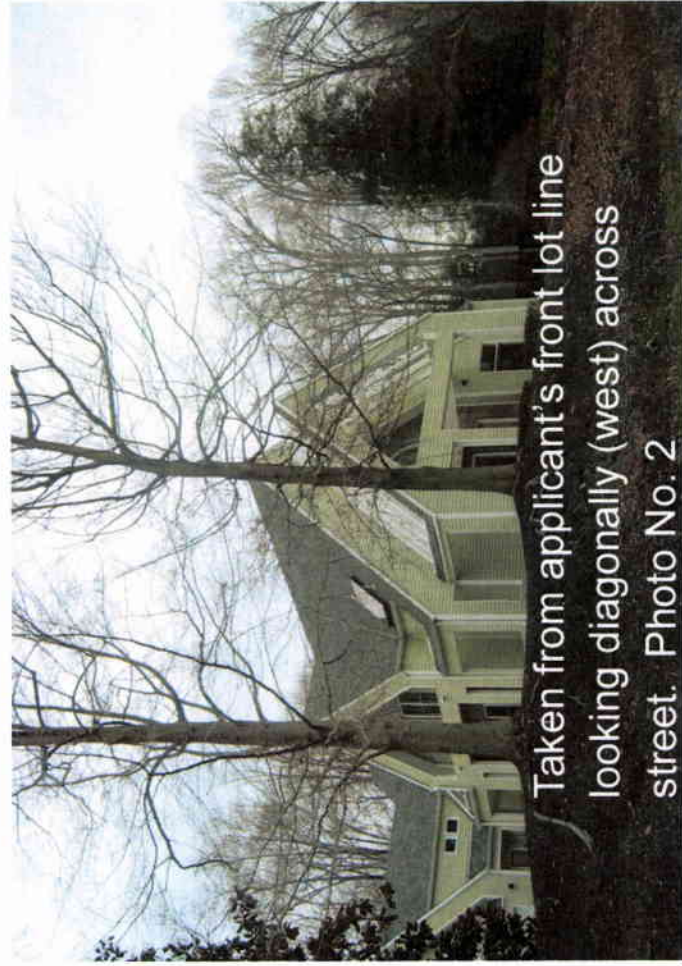


From Bottom of Embankment looking toward the back of the Contiguous property to the North

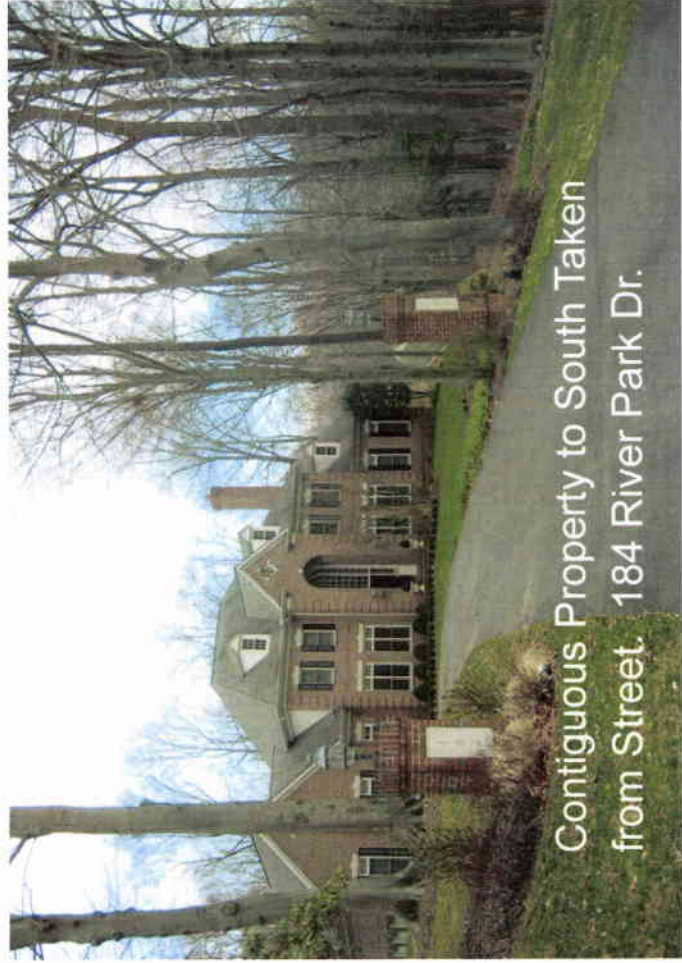


Foyer looking into Accessory Unit Space.

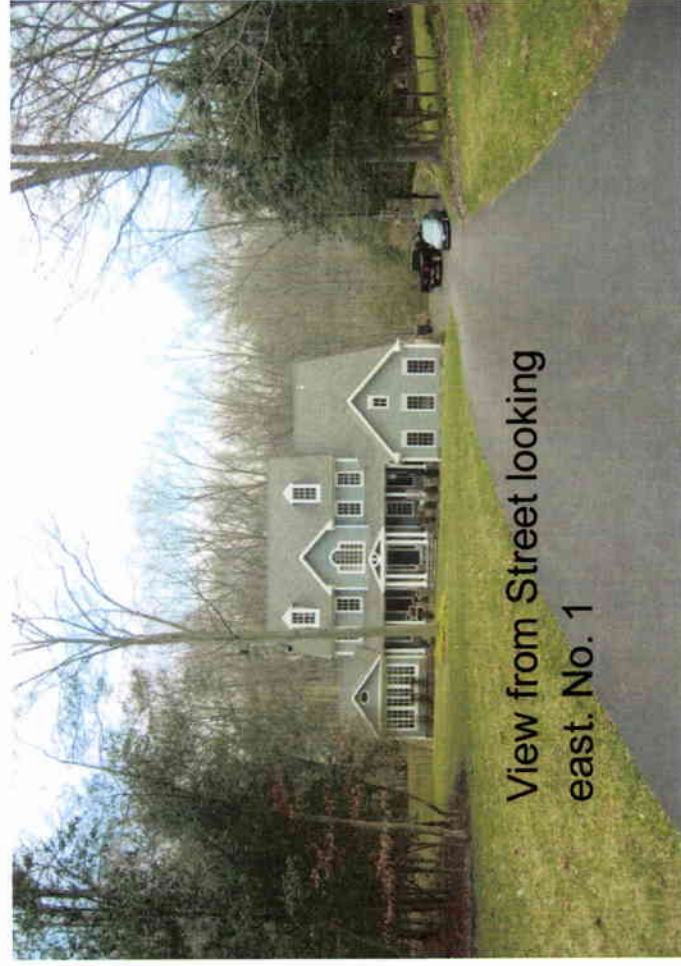




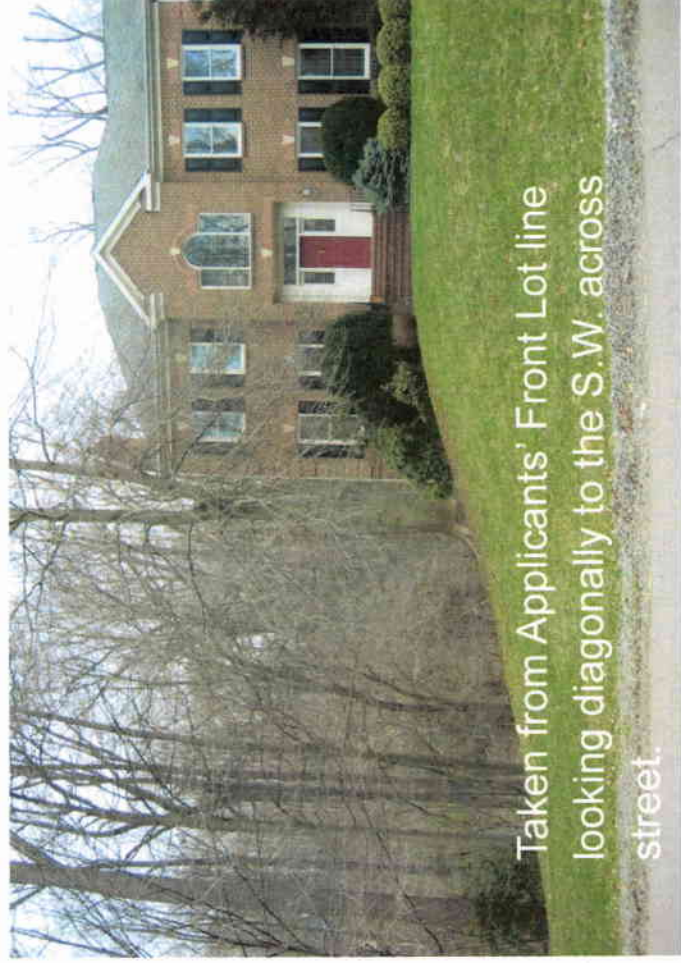
Taken from applicant's front lot line looking diagonally (west) across street. Photo No. 2



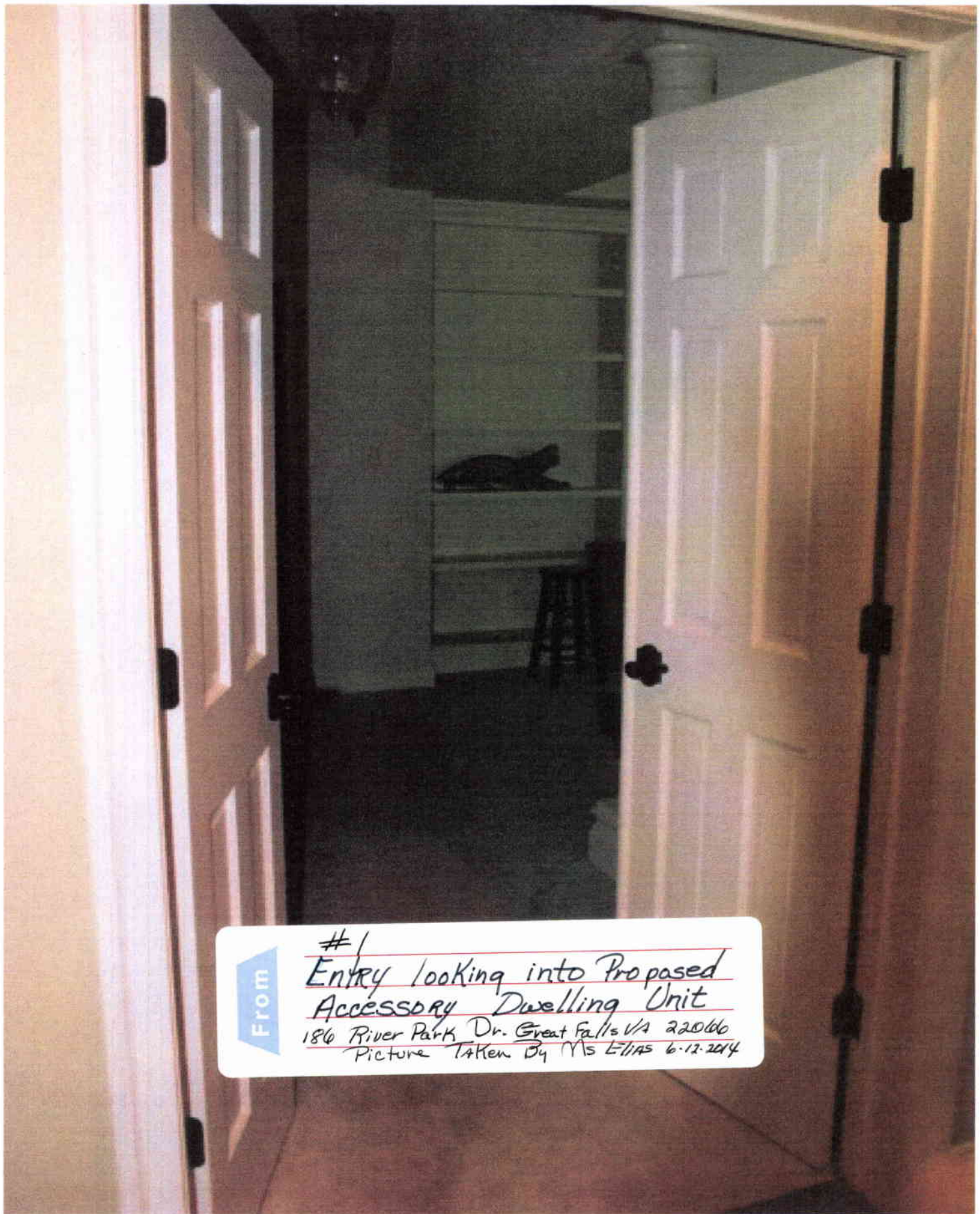
Contiguous Property to South Taken from Street. 184 River Park Dr.



View from Street looking east. No. 1

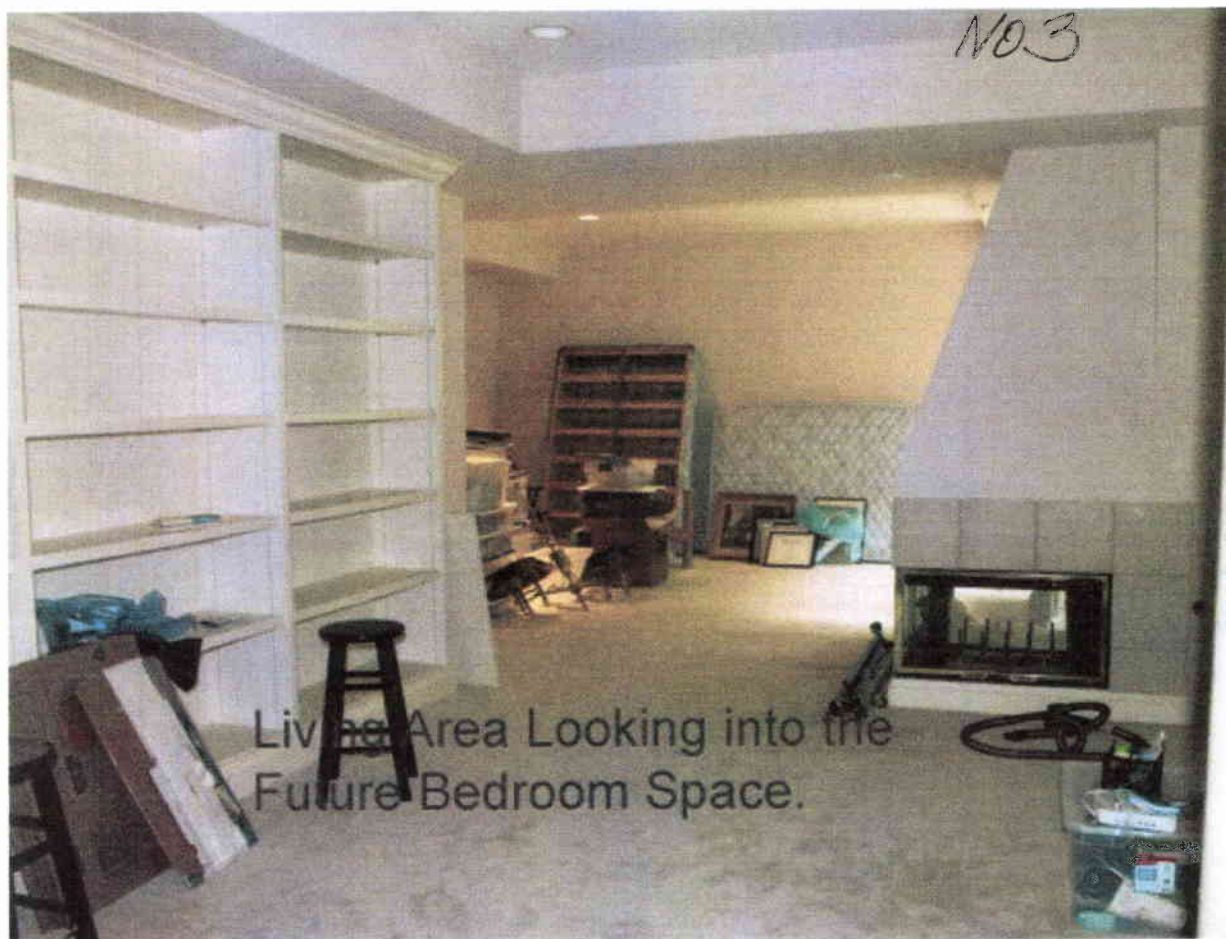


Taken from Applicants' Front Lot line looking diagonally to the S.W. across street.



From

#1
Entry looking into Proposed
Accessory Dwelling Unit
186 River Park Dr. Great Falls VA 22066
Picture Taken By MS E/AS 6-12-2014

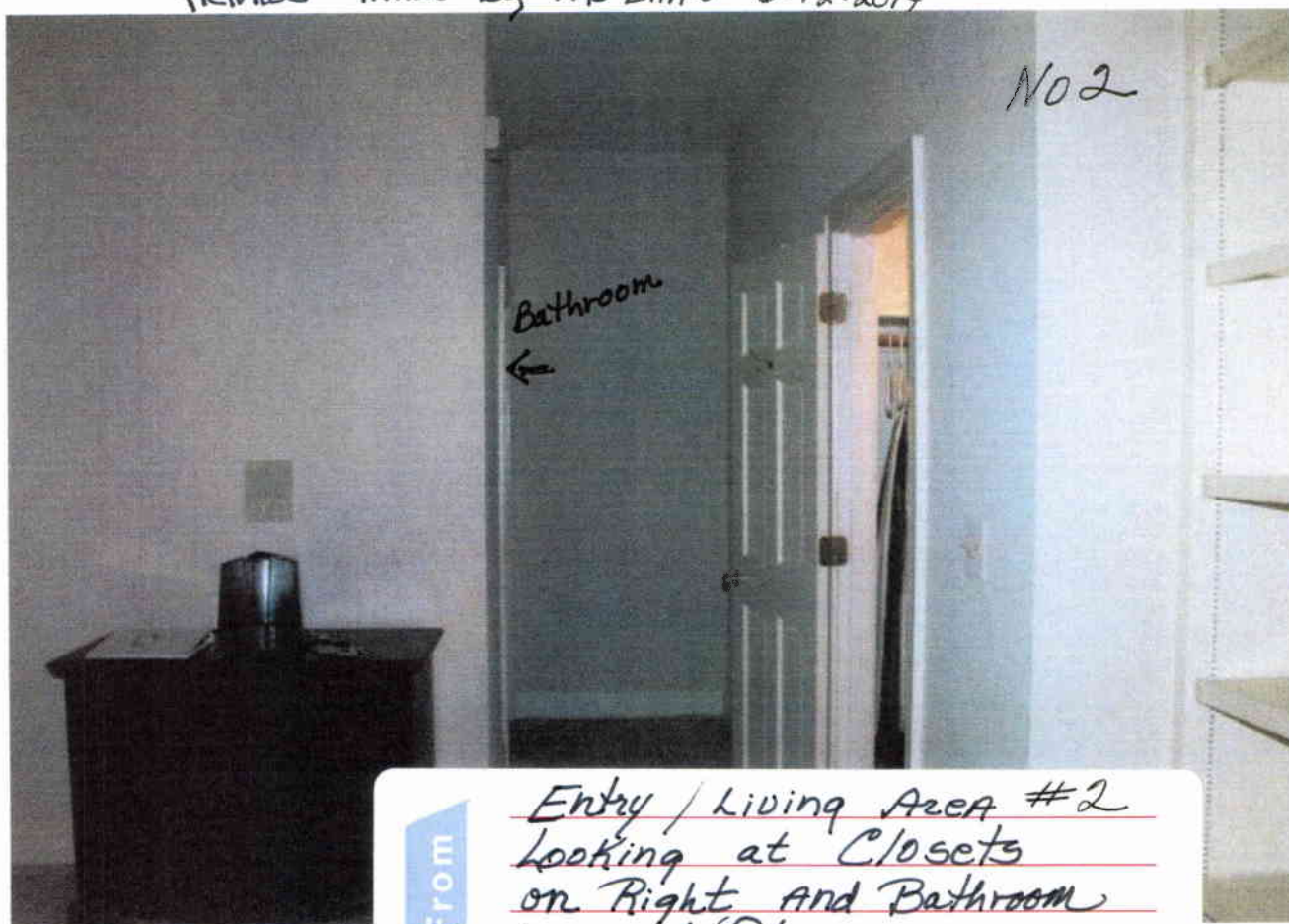


No3

No3

Living Area Looking into the Future Bedroom Space.

PICTURES Taken By Ms ELIAS 6-12-2014



No2

No2

Bathroom
←

From

Entry / Living Area #2
Looking at Closets
on Right and Bathroom
is on Left

186 River Park Dr, Great Falls, VA



No 4

Future
Kitchen.
Refrigerator
not
connected
Cabinets to
be replaced
Were there
when prop.
purchased.

Eating Area

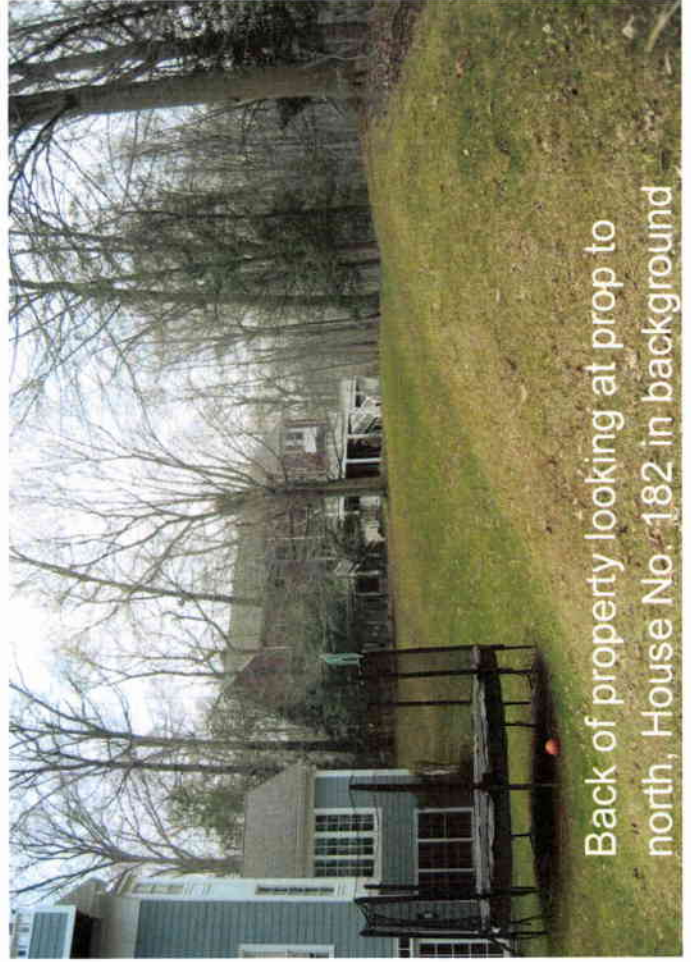
Pictures Taken By Mrs Elias 6-12-2014
186 River Park Dr.
Great Falls VA 22066



Bathroom

No5

TAKen by Ms. ELIAS 6-12-2014
186 River Park Dr.
Great Falls VA 22066



Back of property looking at prop to
north, House No. 182 in background

SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow an accessory dwelling unit on the ground floor of an existing single family detached dwelling.

A copy of the special permit plat titled "Physical Improvements Survey for Special Permit Plat, Riverbend Knolls," prepared by Larry N. Scartz, L.S, dated April 11, 2014 and revised through June 20, 2014, is included in the front of the staff report.

A more detailed description of the proposal is provided on page two.



Figure 1. Lot location

CHARACTER OF THE SITE AND SURROUNDING AREA

The 75,001 square foot/ 1.72 acre lot contains a two story wood shingle single family dwelling, which is accessed via an asphalt driveway from River Park Drive. A walkway leads from the driveway to an open porch in the front of the dwelling, and an additional access point exists in the rear of the dwelling. A basement walkout as well as a raised deck is attached to the west of the property. The lot also has a Resource Protection Area located in the northern portion of the property, as well as a conservation easement and an ingress-egress and trail easement. An asphalt drive exists within these easements.

The subject property and surrounding properties are zoned R-E and developed with single family detached dwellings.

BACKGROUND

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1992 and purchased by the applicant in 2011. A building permit was approved on June 28, 1991 for the construction of a new single family detached dwelling with a partially finished basement, a three car garage, and a deck. The building permit also stated that a wet bar was not included in this application, and a copy of this permit is included as Appendix 4.

A building permit for two retaining walls was also obtained on February 19, 1992. The permit ensured the retaining walls were not located near the conservation easement in the rear of the rear yard. The elements of the proposed kitchen for the accessory dwelling have yet to be installed; the applicant states that they will be properly installed with approved building permits at the time of installation.

Records indicate that no other applications have been heard by the Board of Zoning Appeals (BZA) in the surrounding area.

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for an accessory dwelling unit within the basement of an existing single family dwelling. The proposed accessory dwelling unit would be 900 square feet in size and accounts for 15.3% of the total gross floor area of the structure (5,892 square feet). An emergency egress exit exists directly accessing the sleeping area of the accessory dwelling unit. The proposed unit would contain one bedroom, one bathroom, a living room, and a kitchen as depicted in the following floor plan.

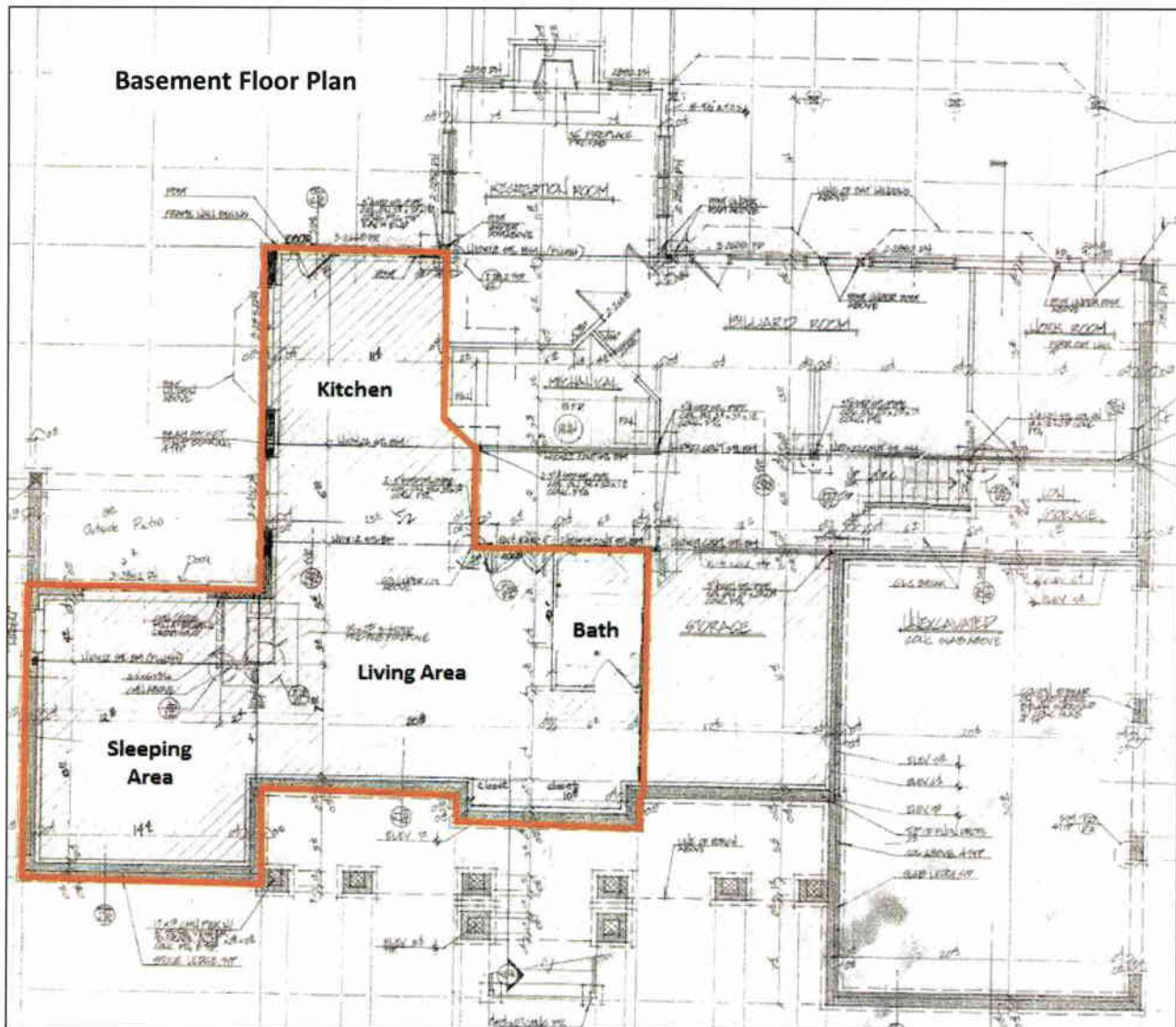


Figure 2. ADU Floor Plan

The parents of the applicant, both over the age of 55, would reside in the accessory dwelling unit (ADU). Stairs are located in the ADU that access the main level of the dwelling, and a door also provides ground-level access from the walkout basement to the rear yard. However, the egress area does not have any path or walkway allowing access to the stairs leading to the driveway area of the home. Staff has recommended the inclusion of a walkway providing adequate emergency egress for the accessory dwelling unit. A development condition has been included to address this issue.

Three parking spaces are available within the existing garage, and ample parking exists in the applicant's asphalt driveway. The applicants have stated that there are two cars being utilized by the residents of the home. Therefore, adequate parking exists in the current driveway for both the residents of the home and the proposed resident of the accessory dwelling unit.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area III, Upper Potomac Planning District
Planning Sector: Riverfront Community Planning Sector (UP1)
Plan Map: Residential uses at 1 dwelling units/2 acres (du/ac)

Zoning Ordinance Requirements

The existing single family dwelling with accessory dwelling unit on site currently meets all bulk regulations for the R-E Zoning District.

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-918 Additional Standards for Accessory Dwelling Units

This special permit is subject to sections of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 7. Subject to development conditions, the special permit must meet these standards.

CONCLUSION

Staff believes that the request is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2014-DR-131 for the accessory dwelling unit with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Building Permit for Single Family Dwelling dated June 28, 1991
5. Applicable Zoning Ordinance Provision

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-DR-131****September 17, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-DR-131 located at Tax Map 4-3 ((9)) 02 to permit an accessory dwelling unit under Section 8-918 to the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the final inspection. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicants only, Brenley L. Elias and Marc E. Elias, and is not transferable without further action of this Board, and is for the location indicated on the application, 186 River Park Drive, and is not transferable to other land.
3. A copy of this special permit **SHALL BE POSTED in a conspicuous place in the accessory dwelling unit** and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The occupants of the principal dwelling and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance, which states in part that one of the dwelling units shall be occupied by a person or persons who qualify as elderly (55 years of age or older) and/or permanently and totally disabled.
5. The accessory dwelling unit shall contain a maximum of 900 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
6. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.
7. The accessory dwelling unit shall be approved for a period of five years from the final approval date of the special permit and may be extended for five year

periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance.

8. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory structure shall be converted to a use permitted by the Zoning Ordinance or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.
9. A stone, concrete, gravel, flagstone, or other material appropriate for a pathway shall be provided between one of the exterior access points of the Accessory Dwelling Unit to the covered deck which leads to the steps and driveway.

This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six (6) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Application No.(s): SP 2014-DR-131
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 4, 2014
 (enter date affidavit is notarized)

I, Jane Kelsey, Jane Kelsey & Associates, Inc., do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) ☐ applicant
☒ applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true: 125437

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Marc E. Elias Brenley L. Elias	186 River Park Dr, Great Falls, VA 22066 "	Applicant/Title Owner "
Jane Kelsey & Associates, Inc. Jane Kelsey, Agent Donald E. Lucas, Agent Bruce E. Kelsey, Agent	4041 Autumn Court Fairfax, VA 22030-5168 " " "	Agent for Title Owners/Applicants Agent for Title Owners/Applicants Agent for Title Owners/Applicants Agent for Title Owners/Applicants
NVS Kitchens & Baths, Inc. John G. Monteith, Agent	8982 Hornbaker Road Manassas, VA 20109	Agent for Title Owners/Applicants Agent for Title Owners/Applicants

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 4, 2014
(enter date affidavit is notarized)

125437

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Jane Kelsey & Associates, Inc.
4041 Autumn Court
Fairfax, VA 22030-5168

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

Jane Kelsey

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.*

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 4 2014
(enter date affidavit is notarized)

125437

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

NONE

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

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(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 4 2014
(enter date affidavit is notarized)

125437

1(d). One of the following boxes must be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 4 2014
(enter date affidavit is notarized)

125437

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☐ Applicant

☒ Applicant's Authorized Agent

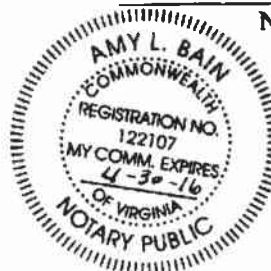
Jane Kelsey
Jane Kelsey, President, Jane Kelsey & Associates, Inc.

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 4th day of May, 2014, in the State/Comm. of Virginia, County/City of Fairfax.

Amy L. Bain
Notary Public

My commission expires: 4/30/16



Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page _____ of _____

Special Permit/Variance Attachment to Par. 1(b)

DATE: May 4, 2014
(enter date affidavit is notarized)

125437

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

~~NVS~~ Kitchens & Baths, Inc.
8962 Hornbaker Road
Manassas, VA 22109

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Glen M. Miracle
Richard A. Perkins

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued further on a "Special Permit/Variance Attachment to Par. 1(b)" form.

RECEIVED
Department of Planning & Zoning

MAY 07 2014

Zoning Evaluation Division

STATEMENT OF JUSTIFICATION

May 6, 2014

The applicants propose locating an Accessory Dwelling Unit (ADU) in their dwelling located at 186 River Park Drive, Great Falls, VA.

This application meets both all of the **General Standards for a Special Permit Use** and all of the **Additional Standards for Accessory Dwelling Units** under Section 8-918 of the Fairfax County Zoning Ordinance. The application **complies with all applicable regulations** pertaining to both the property and the proposed accessory dwelling unit.

1. The requested Accessory Dwelling Unit (ADU) is in association with a single family detached dwelling unit and there will be no more than one (1) accessory dwelling unit on or within this property.
2. The access to the ADU will be at ground level at the rear of the structure.
3. The gross floor area (GFA) of the ADU does not exceed 35 percent of the total Gross Floor Area (GFA) of the principal dwelling unit. The total gross floor area of the principal dwelling unit is approximately 5,892 square feet. The accessory dwelling unit will be approximately 900 square feet which is less than the 35% or 1,862 square feet permitted for an ADU.
4. The accessory dwelling unit will only contain one (1) bedroom.
5. The occupancy of the ADU and the principal dwelling unit will be as follows:
 - A. The main dwelling unit is occupied by the applicants.
 - B. It is anticipated that one of the applicant's parents over the 55 years of age will occupy the ADU.
 - B (1) See above.
 - B (2) There is no disabled person(s) currently living in the dwelling and the proposed occupants are not currently disabled. Should an occupant become disabled in the future, the owner agrees to meet the condition for reasonable access and mobility as needed.
 - C. The ADU will be occupied by two persons.
 - C (1) N/A
 - C (2) N/A
6. N/A
7. Automobile parking for the principal residence and the ADU is adequate. There are three parking spaces within an existing attached garage and space for at least two additional cars in the parking area near the garage. In addition, there is a long driveway into the property from the street.

8. The property is surrounded by existing mature trees. The rear yard is very deep containing mature trees. There is a stream in the rear of the property and a driveway easement which provides access to the contiguous properties to the rear.

This use will not disrupt the predominant character of the neighborhood nor will it be deemed a subdivision of the property. To the best of the owner's knowledge, there are no other ADUs within the area.

9. The ADU will meet the applicable regulations for building, safety, health, and sanitation. No physical changes are proposed. A bathroom currently exists.

10. The owner agrees to the recordation of the Special Permit approval resolution in the land records of Fairfax County.

11. The owner agrees to make provisions for inspections of the property by County personnel during reasonable hours with prior notice as required by the Zoning Ordinance.

12. The owner understands this Special Permit is approved for a period of five (5) years and may be extended for succeeding five (5) year periods in accordance with Section 8-012 of the Zoning Ordinance. If the Zoning Ordinance is subsequently amended to allow a greater timeframe for approval, the owner/applicant requests the ADU be approved for the maximum of either the amended provisions pertaining to ADUs or this five (5) year period with extensions, whichever is greater.

13. N/A

Section 8-011 of the Zoning Ordinance also requires a statement describing the proposed use. Nos. 6.A, B, C, have been described above. Item D is not applicable.

Item E. There will be an additional one or two trips per day when the parents move in full time. Currently, the parents are only visiting for short periods. **Item G:** The existing building is shown in the photographs submitted with this application. No outside modifications or changes are proposed. **Item H.** There are no hazardous or toxic substances generated, utilized, stored, treated, or disposed of on site. **Item I.** The proposed use conforms to the **provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions.**

A copy of the Real Estate record of this property is attached which confirms ownership of the property as that of the applicants. A notarized Consent Statement authorizing Jane Kelsey & Associates, Inc. to represent the applicants' interest in this application is included in the Special Permit package.

Item 8 is not applicable. **Item 9.** The application fee of \$435.00 is attached.

MAY 07 2014

Zoning Evaluation Division

General Standards for All Special Permit Uses

Standard 1 and 2: The proposed use at the specified location is in harmony with the adopted comprehensive plan and the general purpose and intent of the applicable zoning district regulations. The property is planned for 2 dwelling units per acre. At the time of development the subdivision met the Comprehensive Plan recommendations for 2 dwelling units per acre. While this lot is less than two acres, the subdivision was permitted to include the dedicated streets and any open space. The minimum lot size was met and exceeded.

Standard 3. The proposed use will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. The houses in this subdivision are well spaced with plenty of vegetation. The topography of the subject lot is lower than the contiguous lots on the north, south, and east. The property to the rear is far removed with ample vegetation and mature wooded growth so the house is barely visible from this dwelling.

Standard 4. The proposed pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood. At most the occupants of the accessory dwelling unit will have two vehicles.

Standard 5. It is understood that the BZA can require landscaping and screening if it is deemed necessary to shield any use from adjacent properties or the street. However, the subject house is set back a considerable distance from the street and from all other properties, we do not believe additional screening is needed.

Standard 6: Not applicable.

Standard 7: The required utilities, drainage, parking, loading and other necessary facilities to serve the proposed use were provided at the time the subdivision and the house was constructed. More than the required number of parking spaces has been provided.

Standard 8: There are no Signs associated with this use.

If you have any questions or concerns, please contact me.


Jane Kelsey

BUILDING
PERMIT APPLICATION

APPLICATION NO
428 1991
Date

APPENDIX 4

R# 636

Street 18 River Park Drive, Great Falls
Building _____ Floor _____ Suite _____
Subdivision Riverview Knolls Lot 2
Tenants Name NA

DO NOT WRITE IN THIS SPACE

Permit No. 71184130110
Map Reference 004-3-09-0002
Building Permit No. _____ Control No. _____
Std. _____ Mag. _____ Plan _____ Census _____

OWNER

Name DAVID & GINA HATT
Address (Mailing) P.O. Box 1682
City Leesburg State VA Zip 22075
Telephone 703-777-5553

CONTRACTOR

Company Name PR Construction & Development
Master PAUL REIMERS
Address 14 NORTH ST NW
City Leesburg State VA Zip 22075
Telephone 703-777-5553
State Contractors License No. PA #029597
County Business Account No. 175108PK

For NEW Description

SFD
CUSTOM

Model/Use

Sewage: Public ☐ Community ☐ Septic Tank ☒ None ☐
WATER: Public ☐ Individual Well ☐ None ☐
☒ N-New ☐ D-Demolish
☐ R-Alter or Repair ☐ M-Move
☐ A-Add To ☐ O-Other

REMARKS:

BUILDING
DESCRIPTION

QUANTITY

Units 1
Stories 2
Rooms 10
Bedrooms 5
To be Added 5
Baths 3
Half Baths 2
Kitchens 1
Fireplaces 3
Basement _____
% Basements to Finish 60%

BUILDING DIMENSIONS

No. Stories	Width	Depth	Sq. Ft.
2	70	35	=
	X	X	=
	X	X	=
	X	X	=

ROUTING

	Date	Approved By
Health Review	<u>7/11/91</u>	<u>CLO</u>
Site Review	<u>8-16-91</u>	<u>CC</u>
Zoning Review	<u>8-16-91</u>	<u>KU</u>
Sanitation Review		
Building Review	<u>8/27/91</u>	<u>AD</u>
Fire Review		

Use Group of Building R4 - certified

Type of Construction 5B

Building Area _____
Estimated Const. Cost 460,000

ZONING REVIEW

Zoning Proffers Building NONE
Zoning Class GE
Zoning Case # NONE

BUILDING CHARACTERISTICS

Building Height 31
Exterior Walls BR
Interior Walls BR
Roofing Material AS
Flooring Material DT
Heating Fuel GS
Heating System FA

GRADING AND DRAINAGE REVIEW

Soils _____
Historical _____
Plan # 7053-SD-01
Retaining Wall NONE

YARDS Front Left Side Right Side Rear
150 25 67 18

REMARKS

* For A 5 Bedroom Dwelling on 7/11/91
13,311 sq ft
R4 cert. w/ 3 car garage & back ch
A/E CERT MARK R. Sillerberg # 6352

FOR COUNTY USE ONLY:

Date 8-28-91 By GB
Approved for issuance of Building Permit

Fee 718.79
Filing Fee 351.39
Amount Due _____

The request for and use of personal information on this form is subject to the provisions of the Privacy Protection Act of 1976 and the Freedom of Information Act.

I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that if a permit is issued the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations including private building restrictions, if any, which relate to the property. He/She and the company or organization named and represented herein is duly registered or exempt from registration in accord with the provisions of Chapter 7 of the Code of Virginia.

Signature of Owner or Agent

Date

Notary Signature

Date

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards For All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-918 Additional Standards for Accessory Dwelling Units

As established by the Fairfax County Board of Supervisors' Policy on Accessory Dwelling Units (Appendix 5), the BZA may approve a special permit for the establishment of an accessory dwelling unit with a single family detached dwelling unit but only in accordance with the following conditions:

1. Accessory dwelling units shall only be permitted in association with a single family detached dwelling unit and there shall be no more than one accessory dwelling unit per single family detached dwelling unit.

2. Except on lots two (2) acres or larger, an accessory dwelling unit shall be located within the structure of a single family detached dwelling unit. Any added external entrances for the accessory dwelling unit shall be located on the side or rear of the structure.

On lots two (2) acres or greater in area, an accessory dwelling unit may be located within the structure of a single family detached dwelling unit or within a freestanding accessory structure.

3. The gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the total gross floor area of the principal dwelling unit. When the accessory dwelling unit is located in a freestanding accessory structure, the gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the gross floor area of the accessory freestanding structure and the principal dwelling unit.

4. The accessory dwelling unit shall contain not more than two (2) bedrooms.

5. The occupancy of the accessory dwelling unit and the principal dwelling unit shall be in accordance with the following:

A. One of the dwelling units shall be owner occupied.

B. One of the dwelling units shall be occupied by a person or persons who qualify as elderly and/or disabled as specified below:

(1) Any person fifty-five (55) years of age or over and/or

(2) Any person permanently and totally disabled. If the application is made in reference to a person because of permanent and total disability, the application shall be accompanied by a certification by the Social Security

Administration, the Veterans Administration or the Railroad Retirement Board. If such person is not eligible for certification by any of these agencies, there shall be submitted a written declaration signed by two (2) medical doctors licensed to practice medicine, to the effect that such person is permanently and totally disabled. The written statement of at least one of the doctors shall be based upon a physical examination of the person by the doctor. One of the doctors may submit a written statement based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability.

For purposes of this Section, a person shall be considered permanently and totally disabled if such person is certified as required by this Section as unable to engage in any substantial gainful activity by reasons of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.

- C. The accessory dwelling unit may be occupied by not more than two (2) persons not necessarily related by blood or marriage. The principal single family dwelling unit may be occupied by not more than one (1) of the following:
 - (1) One (1) family, which consists of one (1) person or two (2) or more persons related by blood or marriage and with any number of natural children, foster children, step children or adopted children.
 - (2) A group of not more than four (4) persons not necessarily related by blood or marriage.
- 6. Any accessory dwelling unit established for occupancy by a disabled person shall provide for reasonable access and mobility as required for the disabled person. The measures for reasonable access and mobility shall be specified in the application for special permit. Generally, reasonable access and mobility for physically disabled persons shall include:
 - A. Uninterrupted access to one (1) entrance; and
 - B. Accessibility and usability of one (1) toilet room.

7. The BZA shall review all existing and/or proposed parking to determine if such parking is sufficient to meet the needs of the principal and accessory dwelling units. If it is determined that such parking is insufficient, the BZA may require the provision of one (1) or more off-street parking spaces. Such parking shall be in addition to the requirements specified in Article 11 for a single family dwelling unit.
8. The BZA shall determine that the proposed accessory dwelling unit together with any other accessory dwelling unit(s) within the area will not constitute sufficient change to modify or disrupt the predominant character of the neighborhood. In no instance shall the approval of a special permit for an accessory dwelling unit be deemed a subdivision of the principal dwelling unit or lot.
9. Any accessory dwelling unit shall meet the applicable regulations for building, safety, health and sanitation.
10. Upon the approval of a special permit, the Clerk to the Board of Zoning Appeals shall cause to be recorded among the land records of Fairfax County a copy of the BZA's approval, including all accompanying conditions. Said resolution shall contain a description of the subject property and shall be indexed in the Grantor Index in the name of the property owners.
11. The owner shall make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.
12. Special permits for accessory dwelling units shall be approved for a period not to exceed five (5) years from the date of approval; provided, however, that such special permits may be extended for succeeding five (5) year periods in accordance with the provisions of Sect. 012 above.
13. Notwithstanding Par. 5 of Sect. 9-012, any accessory dwelling unit approved prior to July 27, 1987 and currently valid may be extended in accordance with the provisions of this Section and Sect. 012 above.